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7 UNITED STATES DISTRICT COURT  
8 CENTRAL DISTRICT OF CALIFORNIA  
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10 RUCHELL CINQUE MAGEE,  
11                                      Petitioner,  
12                                      v.  
13 J. GASTELLO,  
14                                      Respondent.  
15

No. CV 17-5165 AB (FFM)  
ORDER FOR DISMISSAL OF  
PETITION WITHOUT PREJUDICE

16            On or about July 24, 2017, Petitioner Ruchell Cinque Magee filed a  
17 document entitled Demand Dismissal of Writ of Habeas Corpus. The Court  
18 construes Petitioner's request as a notice of dismissal pursuant to Federal Rule of  
19 Civil Procedure 41(a)(1). Because Respondent has not filed a response to the  
20 Petition, the notice is sufficient in and of itself to dismiss the action without  
21 further order of this Court.

22            IT IS THEREFORE ORDERED that this action is hereby dismissed  
23 without prejudice.

24  
25 DATED: August 17, 2017

  
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ANDRÉ BIROTTE JR.  
United States District Judge

26  
27 Presented by:

28 /S/ FREDERICK F. MUMM  
FREDERICK F. MUMM  
United States Magistrate Judge